

0.1 : g of pGEX2T (Pharmacia) vector cut with BamHI and EcoRI. The volume of 10 :1 ligation reaction was transformed into *E. coli* (XL1-Blue strain, Stratagene), and the resulting construct was called pGST-iAgl. Its sequence was confirmed again by sequencing with the primer 5'-TAGCATGGCCTTTGCAG-3' (SEQ ID NO: 17) upstream of the cloning site of pGEX2T vector.

Kindly add the attached three (3) sheets of drawings, containing Fig. 1A, Fig. 1B, Fig. 1C, Fig. 2A and Fig. 2B thereon, at the end of this specification.

IN THE CLAIMS:

Kindly cancel claims 9-23.

REMARKS

Favorable consideration of the patentability of the instant application is solicited in view of the above amendments and the following comments.

The examiner has requested that the drawings referred to in this specification be incorporated in the instant specification. In compliance with this request, attached hereto and filed herewith are three (3) sheets of drawings containing Figs. 1A, 1B, 1C, 2A, and 2B depicted thereon. It is believed that the submission of these drawings obviates the objection raised by the examiner. In the event that this submission does not obviate the examiner's objection, she is requested to telephone the undersigned attorney to discuss this matter further.

The examiner's objection to the inclusion in the specification of the title "SEQ. ID No. 19" has been noted. The explanation of where this title came from (that is the Patent and Trademark Office's program PATENTIN arbitrarily created this sequence title) has previously been submitted. In compliance with the examiner's objection, the specification has been amended to delete this title. In the event that this submission does not obviate the examiner's objection, she is requested to telephone the undersigned attorney to discuss this matter further.

The examiner has objected to the retention of claims 9-23 in this application since they were withdrawn from consideration in response to a restriction requirement. These claims have been canceled herein. It is believed that this amendment obviates the examiner's objections on this ground. In the event that this submission does not obviate the examiner's objection, she is requested to telephone the undersigned attorney to discuss this matter further.

The rejections based upon the disclosure of the He et al. reference alone or in combination with other reference(s) has been noted. There is being filed herewith a declaration under the provisions of 37 CFR 1.131 showing that the instant invention was disclosed herein or disclosed in the referenced publication is the invention of the named four (4) inventors. This declaration is being submitted in triplicate with different of the inventors and non-inventor authors of the He et al. article having executed different copies of the declaration.

In view of the submission of this declaration (in three parts), it is believed that the He et al. publication, not being a statutory bar under the provisions of 35 USC 102<sup>a?</sup>(b), is not available as a reference against the patentability of any of the claims of the instant application. It is urged that the

examiner reconsider and withdraw the rejections under 35 USC 102 and 103 that have been made in the last office action. In the event that this submission does not obviate the examiner's objection, she is requested to telephone the undersigned attorney to discuss this matter further.

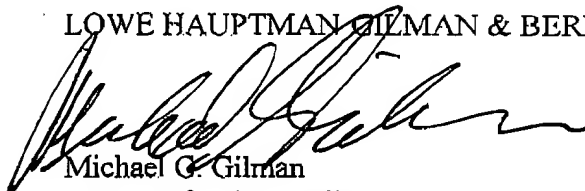
It is to be noted that there is being filed herewith a request for a change of inventorship including the fee therefore. During the recent prosecution of this application, it has been discovered that there are four (4) coinventors of the claimed subject matter. Three of the four coinventors are the originally named inventors and the fourth is one of the other co-authors of the He et al. article. It is urged that this request to change inventorship be entered and the request granted. In the event that this submission does not obviate the examiner's objection, she is requested to telephone the undersigned attorney to discuss this matter further.

It is recognized that this application is under final rejection, and that the petition for extension of time to respond to this action, and the enclosed fee therefore, will carry the response period up to June 11, 2002. It is believed that the instant response is a complete response to the outstanding office action and that this application should now be in condition for allowance. It is also recognized that it is possible that the examiner will not find this application to be in condition for allowance as a result of the filing of this response. Should that event transpire, it is requested that this document be considered to be a Notice of Appeal and that the fee required to be filed with the Notice of Appeal be debited from the undersigned attorney's deposit account 07-1337 so that the pendency of this application will continue uninterrupted. In the event that this submission does not obviate the examiner's objection, she is requested to telephone the undersigned attorney to discuss this matter further.

In view of the above comments and amendments, it is believed that the instant application is now in condition for allowance and such action is solicited.

Respectfully Submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP



Michael G. Gilman  
Attorney for the Applicants  
Registration No. 19,114

ATTACH: Declaration under 37 CFR 1.131 (in triplicate)  
Request for a change of inventors  
Inventors' supplemental declaration  
Assignee's consent

Customer No. 22429  
1700 Diagonal Road,  
Suite 300/310  
Alexandria VA 22314  
Voice: (703) 684-1111  
Fax: (703) 518-5499

Docket No. 1459-011

June 4, 2002

MGG/vgg

CERTIFICATION OF FACSIMILE TRANSMISSION  
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMI-  
LE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE  
ON THE DATE SHOWN BELOW

V. GRADY

TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION

  
SIGNATURE

6/10/02  
DATE